



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Sergey M. Dzekunov *et al.*

Serial No.: 10/080,272

Filed: February 21, 2002

For: APPARATUS AND METHOD FOR
FLOW ELECTROPORATION OF
BIOLOGICAL SAMPLES

Group Art Unit: 3761

Examiner: Unknown

Atty. Dkt. No.: MAXC:009US

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 20, 2003

Date

Michael C. Barrett

Michael C. Barrett

INFORMATION DISCLOSURE STATEMENT

MS DD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

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an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MAXC:009US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

Michael C. Barrett

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Form PTO-1449 (modified)

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List of Patents and Publications for Applicant's

INFORMATION DISCLOSURE STATEMENT

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Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	2001/0001064	5/10/01	Holaday	435	173.6	12/14/00
	A2	2,955,076	10/4/60	Gossling			10/4/56
	A3	3,676,325	7/11/72	Smith <i>et al.</i>	204	288	6/8/70
	A4	4,075,076	2/21/78	Xylander	204	206	9/30/75
	A5	4,081,340	3/28/78	Zimmermann <i>et al.</i>	204	180	1/25/77
	A6	4,192,869	3/11/80	Nicolau <i>et al.</i>	424	199	10/17/78
	A7	4,252,628	2/24/81	Boulton <i>et al.</i>	204	257	2/23/78
	A8	4,321,259	3/23/82	Nicolau <i>et al.</i>	424	101	3/22/79
	A9	4,440,386	4/3/84	Achelpohl	271	70	3/4/82
	A10	4,473,563	9/25/84	Nicolau <i>et al.</i>	424	224	11/2/81
	A11	4,476,004	10/9/84	Pohl	204	299	10/26/83
	A12	4,478,824	10/23/84	Franco <i>et al.</i>	424	101	8/8/83
	A13	4,622,302	11/11/86	Sowers	435	172.2	8/9/84
	A14	4,652,449	3/24/87	Ropars <i>et al.</i>	424	101	10/27/83
	A15	4,663,292	5/5/87	Wong <i>et al.</i>	435	287	
	A16	4,695,547	9/22/87	Hilliard <i>et al.</i>	435	173	4/2/86
	A17	4,699,881	10/13/87	Matschke	435	173	6/4/86
	A18	4,752,586	6/21/88	Ropars <i>et al.</i>	435	287	11/20/86
	A19	4,764,473	8/16/88	Matschke <i>et al.</i>	435	287	11/4/86
	A20	4,784,737	11/15/88	Ray <i>et al.</i>	204	180.1	4/18/86
	A21	4,800,163	1/24/89	Hibi <i>et al.</i>	435	287	12/15/87
	A22	4,804,450	2/14/89	Mochizuki <i>et al.</i>	204	299	12/10/86
	A23	4,822,470	4/18/89	Chang	204	299	10/9/87

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INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

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	A24	4,840,714	6/20/89	Littlehales	204	180.1	5/13/87
	A25	4,849,089	7/18/89	Marshall, III	204	299	2/21/89
	A26	4,849,355	7/18/89	Wong	435	172.3	12/30/87
	A27	4,874,690	10/17/89	Goodrich, Jr. <i>et al.</i>	435	2	8/26/88
	A28	4,882,281	11/21/89	Hilliard <i>et al.</i>	435	287	8/26/86
	A29	4,906,576	3/6/90	Marshall, III	435	287	5/8/87
	A30	4,910,140	3/20/90	Dower	435	172.3	4/18/88
	A31	4,923,814	5/8/90	Marshall, III	435	173	4/26/89
	A32	4,931,276	6/5/90	Franco <i>et al.</i>	424	533	3/13/89
	A33	4,945,050	7/31/90	Sanford <i>et al.</i>	435	172.1	11/13/84
	A34	4,946,793	8/7/90	Marshall, III	435	291	12/12/88
	A35	4,956,288	9/11/90	Barsoum	435	172.3	4/22/88
	A36	4,970,154	11/13/90	Chang	435	172.2	8/30/88
	A37	4,995,957	2/26/91	Ziegler <i>et al.</i>	204	182.8	5/9/88
	A38	5,007,995	4/16/91	Takahashi <i>et al.</i>	204	299	5/11/89
	A39	5,036,006	7/30/91	Sanford <i>et al.</i>	435	170.1	8/17/89
	A40	5,043,261	8/27/91	Goodrich <i>et al.</i>	435	2	6/2/89
	A41	5,098,843	3/24/92	Calvin	435	287	7/9/90
	A42	5,100,627	3/31/92	Buican <i>et al.</i>	422	108	11/30/89
	A43	5,100,792	3/31/92	Sanford <i>et al.</i>	435	172.1	1/24/89
	A44	5,114,681	5/19/92	Bertoncini <i>et al.</i>	422	111	3/9/90
	A45	5,124,259	6/23/92	Tada	435	172.1	8/22/90
	A46	5,128,257	7/7/92	Baer	435	173	8/31/87

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	A47	5,134,070	7/28/92	Casnig	435	173	10/30/90
	A48	5,135,667	8/4/92	Schoendorfer	210	782	6/14/90
	A49	5,137,817	8/11/92	Busta <i>et al.</i>	435	173	10/5/90
	A50	5,139,684	8/18/92	Kaali <i>et al.</i>	210	748	11/16/90
	A51	5,232,856	8/3/93	Firth	435	287	7/30/90
	A52	5,424,209	6/13/95	Kearney	435	284	3/19/93
	A53	5,501,662	3/26/96	Hofmann	604	20	9/12/94
	A54	5,545,130	8/13/96	Hofmann <i>et al.</i>	604	4	10/12/94
	A55	5,612,207	3/18/97	Nicolau <i>et al.</i>	435	173.6	3/23/94
	A56	5,676,646	10/14/97	Hofmann <i>et al.</i>	604	4	3/14/96
	A57	5,720,921	2/24/98	Meserol	424	44	3/10/95
	A58	5,728,281	3/17/98	Holmström <i>et al.</i>	204	403	11/13/96
	A59	6,074,605	6/13/00	Meserol <i>et al.</i>	422	33	3/11/96
	A60	6,090,617	7/18/00	Meserol	435	285.2	12/5/96
	A61	6,485,961 B1	11/26/02	Meserol	435	285.2	7/18/00

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	B1	AU 680890	10/11/94	Austria			
	B2	CA 2,214,800	2/22/02	Canada			
	B3	CN 1195997	10/14/98	China			
	B4	DE 2405119	9/4/75	Germany			Abstract
	B5	DE 3603029	8/6/87	Germany			Abstract

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	B6	✓ DE 4440386	5/15/96	Germany			
	B7	✓ EP 0137504	4/17/85	Europe			
	B8	✓ EP 0343783	11/29/89	Europe			
	B9	✓ EP 0362758	4/11/90	Europe			
	B10	✓ EP 0472772	3/4/92	Europe			
	B11	✓ EP 0798309	10/1/97	Europe			
	B12	✓ JP 1141582	6/2/89	Japan			Abstract
	B13	✓ JP 2131584	5/21/90	Japan			Abstract
	B14	✓ JP 2131585	5/21/90	Japan			Abstract
	B15	✓ JP 2186993	7/23/90	Japan			Abstract
	B16	✓ JP 3195485	8/27/91	Japan			Abstract
	B17	✓ JP 4027393	1/30/92	Japan			Abstract
	B18	✓ JP 62151174	7/6/87	Japan			Abstract
	B19	✓ JP 62171687	7/28/87	Japan			Abstract
	B20	✓ JP 62228277	10/7/87	Japan			Abstract
	B21	✓ JP 62265975	11/18/87	Japan			Abstract
	B22	✓ JP 63141587	6/14/88	Japan			Abstract
	B23	✓ JP 6349068	12/22/94	Japan			Abstract
	B24	✓ JP 7180029	7/18/95	Japan			Abstract
	B25	✓ JP 7320720	12/8/95	Japan			Abstract
	B26	✓ WO 01/24830	4/12/01	PCT			
	B27	✓ WO 88/04322	6/16/88	PCT			
	B28	✓ WO 89/02464	3/23/89	PCT			

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	B29	WO 89/03426	4/20/89	PCT			
	B30	WO 91/18103	11/28/91	PCT			
	B31	WO 94/21117	9/29/94	PCT			
	B32	WO 96/28199	3/11/96	PCT			
	B33	WO 98/24490	6/11/98	PCT			

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Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	"Advanced Coatings for the Medical Industry," Multi-Arc Scientific Coatings, Copyright © Andal Corp.
	C2	"Biological Buffers," In: <i>The Biological Engineering Handbook</i> , Bronzino (ed.), CRC Press, pp. 1650, c1995.
	C3	"Ion Bond® 16 Zirconium Nitride Coating," Multi-Arc, Inc., 1996.
	C4	"Ion Bond® 17 Titanium Aluminum Nitride Coating," Multi-Arc, Inc., 1995.
	C5	"Ion Bond® 19 Chromium Nitride Coating," Multi-Arc, Inc., 1995.
	C6	"Ion Bond® Coatings for Instruments, Design Considerations," Multi-Arc, Inc., 1995.
	C7	"Ion Bond® Coatings for Instruments, Most Commonly Asked Questions," Multi-Arc, Inc., 1995.
	C8	"Preparation of certain reagents, anticoagulants and preservative solutions," In: <i>Practical Haematology</i> , 5 th Edition, Dacie and Lewis (eds.), Appendices, pp.598, 1975
	C9	"The Ion Bond Network," Multi-Arc, Inc., 1995.
	C10	Abatti <i>et al.</i> , "Development of a new geometrical form of micropipette: electrical characteristics and an application as a potassium ion selective electrode," <i>IEEE Trans. Biomed. Eng.</i> , 39:43-48, 1992.

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Exam. Init.	Ref. Des.	Citation
	C11	Asakami <i>et al.</i> , "Materials for electrode of alkali metal thermoelectric converter (AMTEC) (II)," <i>J. Mater. Sci. Lett.</i> , 9(8):892-894, 1990.
	C12	Behrndt and Lunk, "Biocompatibility of TiN preclinical and clinical investigations," <i>Materials Sciences & Engineering</i> , A139:58-60, 1991.
	C13	Capizzi <i>et al.</i> , "Amifostine mediated protection of normal bone marrow from cytotoxic chemotherapy," <i>Cancer</i> , 72:3495-3501, 1993.
	C14	Chassy <i>et al.</i> , "Transformation of bacteria by electroporation," <i>Trends in Biotechnology</i> , 6(12):303-309, 1988.
	C15	Coll <i>et al.</i> , "Metallurgical and Tribological modification of titanium and titanium alloys by plasma assisted techniques," <i>Workshop H Society for Biomaterials Implat Retrieval Symposium</i> , September 17, 1992.
	C16	Duncan and Shivan, "High frequency transformation of whole cells of amino acid producing coryneform bacteria using high voltage electroporation," <i>Bio/Technology</i> , 7:1067-1070, 1998.
	C17	Egorov and Noikova, "Effect of phase composition of TiN-Ni sintered electrode materials of characteristics of the ESA process," <i>Sov. Powder Metall Met. Ceram.</i> , 29(9):705-710, 1991.
	C18	Einck and Holaday, "Enhancement of tissue oxygenation by intracellular introduction of inositol hexaphosphate by flow electroporation of red blood cells," In: <i>Tissue Oxygenation in Acute Medicine (Update in Intensive Care and Emergency Medicine</i> , 33), Sibbald <i>et al.</i> , (eds.), pp. 357-374, c1998.
	C19	Gersonde and Nicolau, "Enhancement of the O ₂ release capacity and of the Bohr-effect of human red blood cells after incorporation of inositol hexaphosphate by fusion with effector-containing lipid vesicles," In: <i>Origins of Cooperative Binding by Hemoglobin</i> , 277-282, 1982.
	C20	Gersonde and Nicolau, "Improvement of the red blood cell O ₂ release capacity by lipid vesicle-mediated incorporation of inositol hexaphosphate," <i>Blut</i> , 39:1-7, 1979.
	C21	Gersonde and Nicolau, "Modification of the oxygen affinity of intracellular haemoglobin by incorporation of polyphosphates into intact red blood cells and enhanced O ₂ release in the capillary system," <i>Biblthca Haemat.</i> , 46:81-92, 1980.
	C22	Gersonde and Weiner, "The influence of infusion rate on the acute intravenous toxicity of phytic acid, a calcium-binding agent," <i>Toxicology</i> , 22:279-286, 1982.

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	C23	Hirai <i>et al.</i> , "A new antitumor antibiotic, FR-900482" <i>J. of Antibiotics</i> , 40/5:607-611, 1987.
	C24	Hofmann and Evans, "Electronic genetic—physical and biological aspects of cellular electromanipulation," <i>IEEE Engineering in Medicine and Biology Magazine</i> , 6-11, 19-22, 1986.
	C25	Kinosita and Tsong, "Voltage-induced conductance in human erythrocyte membranes," <i>Biochimica et Biophysica Acta</i> , 554:479-497, 1979.
	C26	Kobayashi <i>et al.</i> , "Fabrication of zirconium nitride sintered bodies and the application for electrode materials," <i>J. Ceram. Soc. Jpn.</i> , 97(10):1189-1194, (with English summary), 1989.
	C27	Kullmann <i>et al.</i> , "In vitro effects of pentoxifylline on smooth muscle cell migration and blood monocyte production of chemotactic activity for smooth muscle cells: potential therapeutic benefit in the adult respiratory distress syndrome," <i>Am J. Respir. Cell</i> , 8:83-88, 1993.
	C28	Kurtz and Gordon, "Transparent conducting electrodes on silicon," <i>Sol. Energy Mater.</i> , 15(4):229-236, 1987.
	C29	Lehninger (ed.), In: <i>Principles of Biochemistry</i> , Chapter 8: 181-194, 1982.
	C30	Maurer <i>et al.</i> , "Reduction of fretting corrosion of Ti-6Al-4V by various surface treatments," <i>J. Orthop. Res.</i> , 11:865-873, 1993.
	C31	Merz <i>et al.</i> , "Determination of HIV infection in human bone," <i>Unfallchirurg</i> , 94:47-49, (with English summary), 1991.
	C32	Mouneimne <i>et al.</i> , "Stable rightward shifts of the oxyhemoglobin dissociation curve induced by encapsulation of inositol hexaphosphate in red blood cells using electroporation," <i>FEBS Letters</i> , 275:117-120, 1990.
	C33	Narayan <i>et al.</i> , "Diamond, diamond-like and titanium nitride biocompatible coatings for human body parts," <i>Materials Sciences & Engineering</i> , B25:5-10, 1994.
	C34	Nicolau <i>et al.</i> , "Incorporation of allosteric effectors of hemoglobin in red blood cells. Physiological effects," <i>Biblthca haemat.</i> , 51:92-107, 1985.
	C35	Nicolau <i>et al.</i> , "Short- and long-term physiological effects of improved oxygen transport by red blood cells containing inositol hexaphosphate," In: <i>Phytic Acid: Chemistry and Applications</i> , Graf (ed.), Chapter 16:265-290, 1986.
	C36	Pietra <i>et al.</i> , "Titanium nitride as a coating for surgical instruments used to collect human tissue for trace metal analysis," <i>Analyst</i> , 115:1025-1028, 1990.

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Form PTO-1449 (modified)		Atty. Docket No. MAXC:009US	Serial No. 10/080,272
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant Sergey M. Dzekunov <i>et al.</i>	
		Filing Date: February 21, 2002	Group: 3761
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 3</i>	Other Art <i>See Page 5</i>	

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C51	Wisbey <i>et al.</i> , "Application of PVD TiN coating to Co-Cr-Mo based surgical implants," <i>Biomaterials</i> , 8:477-480, 1987.
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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
May 20, 2003	<i>Michael C. Barrett</i>
Date	Michael C. Barrett

MS DD

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Alexandria, VA 22313-1450

RE: *U.S. Patent Application No. 10/080,272 entitled "APPARATUS AND METHOD FOR FLOW ELECTROPORATION OF BIOLOGICAL SAMPLES" – Sergey M. Dzekunov et al.*
Our reference: MAXC:009US

Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, Form PTO-1449, and references A1-A61, B1-B33, C1-C54.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/MAXC:009US.

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Respectfully submitted,

Michael C. Barrett

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